

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EMMITT REED JONES,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:06-cv-0044-WHA
)	
SHERIFF GREG WARD, ET.AL,)	
)	
Defendants.)	

ANSWER OF DEFENDANT GREG WARD

COMES NOW Greg Ward, a Defendant in the above-styled cause, and answers the Plaintiff's Complaint as follows:

Answer

The Defendant in this action denies each and every allegation made by the Plaintiff, Emmitt Reed Jones, and demands strict proof thereof. The Defendant denies that he acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

Affirmative Defenses

1. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. This Defendant, in his individual capacity, is entitled to qualified immunity from the Plaintiff's claims.
3. This Defendant, in his official capacity, is entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.
4. This Defendant in his official capacity is not a "person" under 42 U.S.C. § 1983.

5. The Plaintiff's claims are barred by the Prison Litigation Reform Act because he has failed to exhaust available administrative remedies and because he has not suffered an injury that is greater than de minimus.

6. Plaintiff fails to allege any affirmative causal link between the alleged acts of this Defendant and any alleged constitutional deprivation or this Defendant's direct participation in any alleged constitutional violation.

7. This Defendant is not liable based upon *respondeat superior* theories of liability.

8. The Plaintiff cannot prove a violation of his rights under the Eighth or Fourteenth Amendments to the United States Constitution.

9. This Defendant was not deliberately indifferent in any respect.

10. Plaintiff's claims for injunctive relief are moot.

11. This Defendant is entitled to quasi-judicial immunity.

12. This Defendant reserves the right to add additional defenses upon a complete investigation of Plaintiff's claims, completion of any discovery allowed, and if any further pleading is required or allowed by the Court.

Respectfully submitted this the 5th day of April, 2006.

s/C. Richard Hill, Jr.

C. RICHARD HILL, JR. Bar No. HIL045

Attorney for Defendant Greg Ward

WEBB & ELEY, P.C.

7475 Halcyon Pointe Drive (36117)

Post Office Box 240909

Montgomery, Alabama 36124

Telephone: (334) 262-1850

Fax: (334) 262-1889

E-mail: rhill@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 5th day of April, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants: TODD DERRICK, and that I have served the foregoing document on the following non- CM/ECF participant:

Emmitt Reed Jones
Geneva County Jail
P.O. Box 115
Geneva, AL 36340

by placing a true and correct copy of the foregoing in the U.S. Mail, postage prepaid, on this the 5th day of April, 2006.

s/C. Richard Hill, Jr.
OF COUNSEL